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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,914	10/15/2003	Daniel A. Copeland	P53569US01NJ	6294
23378	7590	07/15/2004	EXAMINER	
BRADLEY ARANT ROSE & WHITE, LLP INTELLECTUAL PROPERTY DEPARTMENT-NWJ 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,914

Applicant(s)

COPELAND, DANIEL A.

Examiner

David E. Bochna

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 5/24/04 and 4/23/04 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "The present invention may be basically described as" should be removed from the abstract.

Claim Objections

3. Claims 8 and 13 are objected to because of the following informalities:

Claim 8 recites the limitation "the radially outer surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13, line 2, "tooth" should probably be "teeth".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walworth et al. '751.

In regard to claim 1, Walworth et al. discloses a restraining gasket for use in a stuffing box assembly when connecting a male pipe portion to a female pipe portion, said restraining gasket comprising:

a) a compressible body 37 having a spigot-facing surface, a radially outward surface 36, a gland-facing surface 40, and a gutter (between 34 and 36) positioned at or radially inward of the radially outward surface 36

b) a locking member 47, said member having a tooth portion 48 and an embedded body portion, wherein at least a portion of the tooth portion is positioned to engage the male pipe portion.

In regard to claim 2, the gutter is positioned between the leading portion 37 of the gasket and a radially outermost area 46 of the locking member.

In regard to claim 3, wherein the gutter forms a portion of the exterior contour of the radially outer surface.

In regard to claim 4, wherein the radially outer surface 34 and a distortion control surface 32, said distortion control surface leading into the gutter and disposed at an angle of between 5 and 20 degrees with reference to a central axis of the gasket.

In regard to claim 5, wherein the gutter is a void below the radially outer surface 36.

In regard to claim 6, further comprising a plurality of density regions 42, 12 wherein said regions are adapted to influence the movement of said locking members.

In regard to claim 7, Walworth et al. '751 discloses a method of assembling a restrained mechanical joint, comprising the steps of:

- a) urging a portion of a gasket into a sealing relationship between a bell and a spigot,
- b) and subsequent to step (a), compressing the gasket to at least partially collapse a gutter in the gasket;
- c) subsequent to beginning step (b), rotating a locking segment into resistive contact between the bell and the spigot.

In regard to claim 8, wherein the gutter is a void below the radially outer surface of the gasket.

In regard to claim 9, wherein the gutter is an annular depression in the radially outer surface of the gasket.

6. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al.

In regard to claim 10, Weber et al. discloses a restraining gasket 6 for use in a stuffing box assembly, adapted to change its center of pressure as it deforms in response to compression (the gasket goes from point contact with 14 to line contact with 14 and 16 after compression).

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In regard to claim 11, wherein the change in center of pressure is influenced by a collapsible void or gutter 48.

In regard to claim 12, comprising a locking segment 36 being at least one tooth disposed radially inwardly.

In regard to claim 13, wherein said locking segment comprises a plurality of teeth 36, 38, 40 disposed radially inwardly and an area between at least two of said tooth is devoid of gasket material.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes, IV et al., Holmes, IV et al. '867 and Percebois et al. all disclose similar couplings common in the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



David Bochna
Primary Examiner
Art Unit 3679
July 9, 2004